

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, July 3, 2002

The Chief Clerk makes the following entries under the above date

REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

LISLE, THOMAS A., of De Pere, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

NELSON, ELWYN (JACK), of Oshkosh, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

VAN DE HEY, RON, of Kaukauna, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

WILLIS, BILLY R., of Green Bay, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Administration**

June 19, 2002

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority

provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of May 2002.

On May 8, 2002 the **General Fund** balance was –\$4.7 million. This shortfall continues until May 9, 2002 when the balance reached a positive \$66.5 million. The shortfall was due to the timing of revenues and expenditures, in combination with the overall budget shortfall.

On May 23, 2002 the **Wisconsin Health Education Loan Repayment Fund** balance was –\$1 thousand. This shortfall continued through May 31, 2002. The shortfall was due to the difference in the timing of revenues and expenditures.

The General Fund and the Wisconsin Health Education Loan Repayment Fund shortfalls were not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,

GEORGE LIGHTBOURN
Secretary

Referred to the joint committee on **Finance**.

**State of Wisconsin
Office of the Governor**

June 26, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of Todd Kaufmann for appointment to the Fox River Navigational System Authority.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM
Governor

**State of Wisconsin
Legislative Audit Bureau**

June 27, 2002

The Honorable, The Legislature:

As required by s. 13.94(1)(dm), Wis. Stats., we have completed our first annual financial audit of the State Fair Park, which is administered by a 13-member board and is attached to the Department of Tourism for administrative purposes. We have issued an unqualified opinion on State Fair Park’s fiscal year (FY) 2000-01 financial statements. We found that State Fair Park’s total revenues increased 21.9 percent, from \$13.1 million in FY 1995-96 to \$15.9 million in FY 2000-01. However, total expenditures increased at a greater rate and

exceeded revenues in three of the last six fiscal years. The Pettit National Ice Center's failure to make \$371,785 in rent payments contributed to a FY 2000-01 deficit, but even if all rent payments had been made, the increase in State Fair Park's expenditures still would have outpaced the increase in its revenues.

Expenditures increased largely because construction of new facilities and improvements to existing facilities increased debt service costs. From FY 1995-96 through FY 2000-01, State Fair Park incurred \$12.7 million in construction costs that will be repaid with program revenue, and its annual debt service costs increased 72.1 percent, from nearly \$1.2 million to \$2.0 million. State general purpose revenue (GPR) funded an additional \$17.1 million in construction costs, and GPR debt service payments will be approximately \$1.0 million annually through FY 2016-17. State Fair Park is assuming additional debt by undertaking an aggressive building program to renovate and replace other aging facilities. It will include a new exposition center, which is being built and will be managed by a not-for-profit corporation created by the State Fair Park Board; a renovated Milwaukee Mile grandstand; a new building known as the Wisconsin Heritage Hall, which will serve as a showcase for Wisconsin products; and the Agriculture Village, which will include new or remodeled livestock facilities.

Successful changes to fairgrounds operations and major facilities improvements may allow State Fair Park to become fore financially secure in the future. However, even though all of the new building projects except the Agriculture Village are expected to be self-supporting, debt associated with the building program may represent additional financial risk for both State Fair Park and the State. Efforts to privatize operations, such as the creation of the exposition center's not-for-profit corporation, are increasing State Fair Park's independence at the same time the State is assuming additional financial risk. Consequently, the Legislature may wish to ensure it retains adequate oversight of the State's investment in State Fair Park.

We appreciate the courtesy and cooperation extended to us by State Fair Park staff. A response from State Fair Park is Appendix 4.

Sincerely,

JANICE MUELLER
State Auditor

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

June 26, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRADEN, MARK T., of Lake Geneva, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

June 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BROWN, RITCHIE J., of Black River Falls, as a member of the Lower Wisconsin State Riverway Board, to serve for the interim term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin
Office of the Governor**

June 26, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CISKE, THOM A., of Hortonville, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin
Office of the Governor**

June 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DIERCKS, ANDREW S., of Coloma, as a member of the Board on Agriculture, Trade and Consumer Protection, to serve for the interim term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin
Office of the Governor**

June 26, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DORN, JAMES W., of Appleton, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin
Office of the Governor**

02-003 July 1, 2002
02-006 July 1, 2002
02-011 July 1, 2002
02-022 July 1, 2002

June 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NETTUM, GEORGE E., of Viroqua, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2006.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin
Office of the Governor**

June 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NOWACKI, RICHARD, of Pewaukee, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin
Revisor of Statutes Bureau**

July 1, 2002

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
00-187	July 1, 2002
01-057	July 1, 2002
01-062 (part)	July 1, 2002
01-062 (part)	January 1, 2003
01-092	July 1, 2003
01-093	July 1, 2002
01-103	July 1, 2002
01-109	July 1, 2002
01-110	July 1, 2002
01-111	July 1, 2002
01-114	July 1, 2002
01-128	July 1, 2002
01-135	July 1, 2002
01-139	July 1, 2002
01-142	July 1, 2002
01-157	July 1, 2002

Sincerely,
GARY L. POULSON
Deputy Revisor

Senate Clearinghouse Rule 02-026

Relating to the licensure and regulation of occupational therapists.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 27, 2002.

Referred to committee on **Human Services and Aging**, July 3, 2002.

Senate Clearinghouse Rule 02-042

Relating to mine safety fees.

Submitted by Department of Commerce.

Report received from Agency, June 26, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, July 3, 2002.

The committee on **Environmental Resources** reports and recommends:

Senate Clearinghouse Rule 00-025

Relating to the runoff management grant program.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Senate Clearinghouse Rule 00-026

relating to model ordinances for construction site erosion control and storm water management.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Senate Clearinghouse Rule 00-027

relating to runoff management.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Senate Clearinghouse Rule 00-028

relating to the priority watershed management program.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Senate Clearinghouse Rule 00-034

relating to animal feeding operations.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Senate Clearinghouse Rule 00-035

relating to stormwater discharge.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Senate Clearinghouse Rule 00-036

relating to best management practices, conditions and technical standards.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Senate Clearinghouse Rule 01-090

relating to soil and water resource management.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

Senate Clearinghouse Rule 01-076

Relating to plant inspection and pest control.

No action taken.

David Hansen
Chairperson

**MOTIONS UNDER SENATE RULE 98 AND
JOINT RULE 7**

for the Month of June 2002

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kanavas, for Milton and Joanne Benes, on the occasion of celebrating their 50th anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Bret Nalani Bicoy, on the occasion of years of dedicated service to the Green Bay community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Robert W. (Bob) Braeger, on the occasion of receiving his Distinguished Flying Cross Medal.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for John Burr, on the occasion of being named 2002 Prosecutor of the Year at the annual State Prosecutor's Conference.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Jeff Dudarenke, on the occasion of his courage under extreme duress and for his dedication to the welfare of those in need.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Baumgart for Anne Eskeitz, on the occasion of her retirement after 23 years of service to the Wisconsin State Legislature and the people of Wisconsin.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for the Town of Freedom, on the occasion of celebrating their 150th Sesquicentennial.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Grobschmidt, for John Grahovac, on the occasion of his selection as 2002 Oak Creek Citizen of the Year.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Mike Griffiths, on the occasion of his courage under extreme duress and for his dedication to the welfare of those in need.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Nicholas Grodevant, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Michael Gutowski, on the occasion of his completion of employment plan with the Wisconsin Division of Vocational Rehabilitation.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Benjamin Michael Hable, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Elizabeth Ruth Hansen, on the occasion of celebrating her 90th Birthday shared with family and friends.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Dr. Dewitt Jones, on the occasion of his service to the Fond du Lac School district and the community.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Magdalen Kaufman Hardimon, on the occasion of celebrating her 100th Birthday.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Ryan Ellsworth Kidman, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Officer Ed Klein, on the occasion of his heroic efforts in saving the life of Daniel Knispel.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Terry J. Kleven, on the occasion of his service to the State of Wisconsin.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kanavas, for Janee Knapp, on the occasion of her 13 years of perfect attendance.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Christopher Krohn, on the occasion of his graduation from the Fort McCoy Challenge Academy.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Richard L. "Dick" Lower, on the occasion of his retirement from the University of Wisconsin Department of Horticulture.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for Thomas K. Marquardt, on the occasion of his retirement and thank him for his dedicated service to the citizens of the United States of America.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Michael S. Mixtacki, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Michael J. Murray, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Reverend Gerald F. Nerenhausen, on the occasion of his 40 years of ministry at Zion Lutheran Church.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Nick Niedermann, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for T. Allan Pearson, on the occasion of his retirement and his years of service to his community of West Bend.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for the Pulaski High School Red Raider Marching Band & Color Guard, on the occasion of being selected to represent the State of Wisconsin in the 2002 National Independence Day Parade in Washington, D. C.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for The River Falls Wildcats Boys Golf Team and coach Paul Meyer, on the occasion of winning the 2002 Wisconsin State Division 1 Golf Tournament.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Carol Schneider, on the occasion of her retirement and being named Professional of the Year.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Dan Sitzberger, on the occasion of his courage under extreme duress and for his dedication to the welfare of those in need.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Rose Dobkoski Smits, on the occasion of her 10 years of service as Executive Director of Encompass Child Care, Inc..

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for John Rork Statz, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Tommy Strominski, on the occasion of his graduation from the Fort McCoy Challenge Academy.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Moen, for Ruth Ann Strozinsky, on the occasion of her retirement from the Wisconsin State Board of Aging and Long Term Care.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the Village of Sussex and Bielinski Custom Homes, on the occasion of the opening of the Sussex Senior Community Center.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Carter J. Theis, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Deborah A. Thompson, on the occasion of her retirement after 27 years with the Milwaukee Public Schools.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for John Triscari, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Girl Scout Troop 1032 and leaders Paulette Czerwinski and Linda Kaczmarek, on the occasion of their determination as a troop to achieve their goals.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for the Verona High School Softball Team, on the occasion of their outstanding season.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for the Wauwatosa Rotary Club, on the occasion of celebrating its 50th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Travis Wichlacz, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Moore, for the Department of Health and Family Services and the Minority Health Program, on the occasion of observing the Wisconsin Minority Health Week June 23–29, 2002.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for the Wisconsin Polled Hereford Association, on the occasion of celebrating its 50th anniversary.